

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

In re Flint Water Cases.

Judith E. Levy
United States District Judge

This Order Relates To:

ALL CASES

**ORDER REGARDING MATTERS ADDRESSED DURING THE
JULY 15, 2020 VIDEO CONFERENCE**

On July 15, 2020, the Court held a video conference to address discovery and other case management-related issues. The Court now orders as follows:

Putative Class Plaintiffs must re-file their motion for class certification to conform with Eastern District Local Rule 5.3 and the Case Management Order's ("CMO") Confidentiality Order. (ECF No. 1162-3.) By Thursday, July 17, 2020, Putative Class Plaintiffs will file their motion to seal and the Court will decide that motion at the next Flint Water status conference on July 29, 2020.

The Court adopted the following schedule for responses to the Motion for Class Certification:

1. Governor Whitmer and former Governor Snyder must file an answer within twenty-one (21) days of the mandate being issued by the Sixth Circuit;
2. Former Treasurer Dillon must file a memorandum on whether he should be dismissed in *Waid* for the same reasons he was dismissed in *Brown* and *Marble* within twenty-one (21) days of the mandate issued by the Sixth Circuit;
3. Putative Class Plaintiffs and Interim Co-Liaison Counsel may file a response to former Treasurer Dillon's memorandum within seven (7) days after it is filed;
4. State Defendants will have seventy (70) days after filing their answer to conduct written and deposition discovery, including conducting home inspections;
5. The Court stayed the depositions of Putative Class Plaintiffs' experts who submitted reports in the class motion for certification for sixty-five (65) days from July 15, 2020.

6. Governmental Defendants must file oppositions and any supporting Rule 26(a)(2) expert reports and disclosures within thirty (30) days of the end of the time period for deposing Putative Class Plaintiffs' experts;
7. Any reply in support of the Motion for Class Certification shall be filed within sixty (60) days from when the oppositions to class certifications are filed by the Governmental Defendants;
8. A hearing on Class Plaintiffs' Motion for Class Certification with respect to all Defendants, shall be set following the filing of State Defendants'/Government Defendants' reply;
9. Within two (2) weeks from the filing of the reply, Defendants shall notify the Court if an evidentiary hearing is requested.

The Court ordered two (2) days of depositions for Putative Class Plaintiffs' expert witnesses and now orders that supporting materials be given ten (10) days in advance of the deposition. Interim Individual Co-Liaison Counsel is to be given up to one hour at these depositions and the rest of the time is to be divided among the Defendants pursuant to the Fourth Amended CMO.

The Court will decide *Bacon v. Lockwood Andrews & Newnam*, 18-cv-10348, on the current amended complaint. (ECF No. 86.) Defendants may file a reply brief 14 days from the date the response to each motion to dismiss was filed.

VNA Defendants requested to depose nine bellwether parents, grandparents, and teachers. The Court will allow VNA Defendants to submit written interrogatories, and if Defendants determine a deposition is necessary, they must meet and confer with Interim Individual Co-Liaison Counsel before returning to the Court for permission to notice the depositions.

Individual Co-Liaison Counsel shall provide dates for home inspections of bellwether plaintiffs to VNA Defendants by July 20, 2020 for the inspections to begin on July 27, 2020.

IT IS SO ORDERED.

Dated: July 17, 2020
Ann Arbor, Michigan

s/Judith E. Levy
JUDITH E. LEVY
United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on July 17, 2020.

s/William Barkholz
WILLIAM BARKHOLZ
Case Manager